

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JIM SHOCKLEY**, on March 20, 2001 at 8:00 A.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Jim Shockley, Chairman (R)
Rep. Paul Clark, Vice Chairman (D)
Rep. Jeff Laszloffy, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Gail Gutsche (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Jeff Mangan (D)
Rep. Brad Newman (D)
Rep. Mark Noennig (R)
Rep. Ken Peterson (R)
Rep. Diane Rice (R)
Rep. Bill Thomas (R)
Rep. Merlin Wolery (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Steven Gallus (D)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: **SB 402 - 3-12-01**
SB 226 - 3-12-01
SB 368 - 3-12-01

Executive Action: SB 426 - BCAA
SB 226 - BC
SB 368 - BC
SB 128 - BCAA
SB 402 - Table
SB 63 - Table

HEARING ON SB 402

Sponsor: Senator Debbie Shea, SD 18, Butte said the Bill had a tremendous amount of support in the Senate, both in the Hearings and on the floor. There are some genuine concerns and her intent is to bring forward a positive sequence next session. During the interim she is committed to work with the construction industry to make this a positive piece of legislation. In the best interests of everyone, she is requesting the Bill be Tabled.

Opponents: Tom Ebzery, Attorney, Montana Contractors Association, Billings

EXECUTIVE ACTION ON SB 402

Motion: REP. GUTSCHE moved that SB 402 BE CONCURRED IN. #1

Motion/Vote: REP. ADAMS moved that SB 402 BE TABLED. #2 Motion carried unanimously 19-0.

HEARING ON SB 226

Sponsor: Senator Jack Wells, SD 14, Bozeman. This Bill is an act revising the restriction on the use of public information for mailing lists; allowing a public school to provide lists of students to armed forces recruiters.

Proponents: Major Larry Weaver, Commander, Recruiters for Western Montana.

Opponents: None

Informational Witness: Jeff Weldon, Legal Counsel, Office of Public Instruction. EXHIBIT(juh63a01)

Questions from Committee Members and Responses: Reps. Rice, Hurdle, Harris, Clark, Laszloffy, Noennig, Adams, Shockley to Major Weaver and Mr. Weldon for clarification.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 29.8}

{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 13.2}

Closing by Sponsor: Senator Wells closed the Hearing on SB 226.

{Tape : 1; Side : B; Approx. Time Counter : 13.2 - 18.3}

HEARING ON SB 368

Sponsor: Senator Debbie Shea, SD 18, Butte - Silver Bow said this is a Bill to clarify law by mortgage filing. The purpose is to reduce the volume of documents relating to mortgage and related transactions that will be filed with County Clerk and Recorders in Montana. This Bill will allow filing a one-page document that will incorporate by reference material contained in documents already on record so that standard language and covenant, legal descriptions and other matters need not be repeated on each page. This will save filing costs for citizens getting home equity loans and reduce paper and time for everyone.

Proponents: George Bennett, Attorney, Montana Bankers Association.

Jeanne Bauman, Montana Credit Unions League

Opponents: None

Questions from Committee Members and Responses: Reps. Peterson, Noennig to Mr. Bennett and Ms. Bauman.

{Tape : 1; Side : B; Approx. Time Counter : 18.3 - 29.7}

{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 8.2}

Closing by Sponsor: Senator Shea closed the Hearing on SB 368.

EXECUTIVE ACTION ON SB 226

Motion: REP. NEWMAN moved that SB 226 BE CONCURRED IN. #3

Discussion: Reps. Rice, Laszloffy, Newman, Hurdle, Gutsche, Noennig, Peterson, Adams.

{Tape : 2; Side : A; Approx. Time Counter : 8.2 - 22.6}

Vote: Motion carried 12-7 with Reps. Eggers, Gallus, Gutsche, Holden, Hurdle, Peterson and Rice voting no.

EXECUTIVE ACTION ON SB 368

Motion: REP. LASZLOFFY moved that SB 368 BE CONCURRED IN. #4

Discussion: Reps. Laszloffy, Noennig, Peterson, Adams, Clancy, Harris, Holden, Thomas.

{Tape : 2; Side : A; Approx. Time Counter : 22.6 - 29.7}

{Tape : 2; Side : B; Approx. Time Counter : 0.1 - 5.8}

Vote: Motion carried 17-3 with Reps. Eggers, Harris and Hurdle voting no.

Motion: REP. LASZLOFFY moved that SB 63 BE CONCURRED IN. #5

Motion: REP. SHOCKLEY moved that SB 63 BE AMENDED, Line 25 "without good cause" be reinserted. #6

Discussion: Reps. Clancy, Harris, Noennig.

Vote: Motion #6 carried unanimously 20-0.

Motion: REP. LASZLOFFY moved that SB 63 BE CONCURRED IN AS AMENDED. #7

Discussion: Reps. Adams, Hurdle, Newman, Clark.

Motion: REP. NEWMAN moved that SB 63 BE AMENDED, Page 1, line 28 to reinstate the words in bold print. #8

Motion/Vote: REP. LASZLOFFY moved a substitute motion that SB 63 BE TABLED. #9. Motion carried 16-4 with Reps. Clancy, Rice, Wolery and Younkin.

EXECUTIVE ACTION ON SB 128

Motion: REP. LASZLOFFY moved that SB 128 BE CONCURRED IN. #10

Discussion: Reps. Laszloffy, Harris, Noennig.

Motion: REP. HARRIS moved that SB 128 BE AMENDED. #11
EXHIBIT (juh63a02)

Discussion: Reps. Newman, Laszloffy, Clark, Harris, Hurdle, Peterson, Noennig, Adams.

{Tape : 2; Side : B; Approx. Time Counter : 5.8 - 29.5}

{Tape : 3; Side : A; Approx. Time Counter : 0.1 - 8.9}

Motion: REP. NEWMAN moved a substitute motion that SB 128 BE AMENDED. #12

Mr. MacMaster explained some technical concerns he had with the amendments.

Discussion: Reps. Newman, Shockley, Holden, Wolery, Clark, Peterson, Laszloffy, Noennig, Younkin, Hurdle, Harris, Shockley.

Rep. Newman withdrew his motion #12.

{Tape : 3; Side : A; Approx. Time Counter : 8.9 - 29.3}

{Tape : 3; Side : B; Approx. Time Counter : 0.1 - 7.7}

Vote: Motion on Harris amendment (#11) carried 10-8 with Reps. Shockley, Laszloffy, Clark, Adams, Holden, Noennig, Rice and Wolery voting no.

Motion: REP. ADAMS moved that SB 128 BE CONCURRED IN AS AMENDED. #13

Motion: REP. PETERSON moved a conceptual amendment that paragraph B, first offense, be a misdemeanor with punishment in jail, not to exceed 1 year and a fine not to exceed \$1,000 and any subsequent offense to be as stated. #14

Discussion: Reps. Peterson, Clark.

Vote: The Peterson amendment (#14) carried 17-1 with Rep. Hurdle voting no.

Discussion: Reps. Clark, Shockley, Newman, Rice, Noennig.

Motion: REP. SHOCKLEY moved that SB 128 BE AMENDED, conceptually. Page 11, line 27, the 20 years would be 10 years, on Page 12, line 10, the 100 years would be 20 years and on line 15, the 100 years would be 20 years. #15

Discussion: Reps. Younkin, Laszloffy, Mangan, Noennig.

Rep. Shockley withdrew his amendment #15.

Motion/Vote: REP. NOENNIG moved a substitute motion that SB 128 BE AMENDED. #16 Motion carried 17-1 with Rep. Newman voting no.

EXECUTIVE ACTION ON SB 426

Motion: REP. ADAMS moved that SB 426 BE CONCURRED IN. #17

Motion/Vote: REP. HURDLE moved that SB 426 BE AMENDED. #18

EXHIBIT(juh63a03) Motion carried unanimously 20-0.

Discussion: Rep. Noennig, Shockley, Hurdle, Mangan, Harris, Peterson, Laszloffy, Clancy.

{Tape : 3; Side : B; Approx. Time Counter : 14 - 29.3}

{Tape : 4; Side : A; Approx. Time Counter : 0.1 - 9.3}

Motion/Vote: REP. NOENNIG moved that SB 426 BE AMENDED. #19

Motion carried unanimously 20-0.

Motion/Vote: REP. ADAMS moved that SB 426 BE CONCURRED IN AS AMENDED. #20. Motion carried 15-5 with Reps. Laszloffy, Adams, Clancy, Curtiss and Rice voting no.

{Tape : 4; Side : A; Approx. Time Counter : 4.3 - 12.5}

EXHIBIT(juh63a04) Request for information from Committee members 3-20-01 Re: SB 158 from Chief Justice, **Karla Gray**.

ADJOURNMENT

Adjournment: 11:20 A.M.

REP. JIM SHOCKLEY, Chairman

MARY LOU SCHMITZ, Secretary

JS/MS

EXHIBIT (juh63aad)